

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 21-20127

JOHNNY JAMES BURDELL PAYNE,

Defendant.

**ORDER GRANTING IN PART DEFENDANT’S MOTION FOR EARLY TERMINATION
OF SUPERVISED RELEASE WITH RESPECT TO DEFENDANT’S REQUEST TO
TRAVEL AND HOLDING IN ABEYANCE REMAINING ISSUES**

Before the court is Defendant Johnny James Burdell Payne’s Motion for Early Termination of Supervised Release. (ECF No. 3.) Defendant informs the court that he has continuously complied with the conditions of his supervised release, completed a drug treatment program, and as a whole has lived “a positive, and drug and crime free life.” (*Id.*, PageID.9-10.) As a result, Defendant maintains that he is “no longer in need of the services” provided by the United States Probation Office and asks for termination of his supervised release. (*Id.*, PageID.10.)

One condition of his current supervised release terms is to seek the consent of the court or his probation officer before leaving the judicial district. (ECF No. 1-1.) Thus, Defendant’s motion to terminate his supervised release is coupled with a request to vacation on a five-day cruise for his significant other’s birthday. (*Id.*, PageID.10.) The cruise is scheduled for October 17, 2022, through October 22, 2022. (*Id.*) Given

Defendant's continued good conduct, his probation officer has no objection to permitting Defendant to go on his planned vacation.

Defendant will be permitted to travel for his trip between October 17 and October 22. However, the court will hold the motion to terminate his supervised release in abeyance until he returns from his trip. His motion will be assessed by the court at that time. See 18 U.S.C. § 3583(e) ("The court may . . . terminate a term of supervised release . . . pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation."); Fed. R. Crim. P. 32.1. Accordingly,

IT IS ORDERED that Defendant's "Motion for Early Termination of Supervised Release" (ECF No. 3) is GRANTED IN PART. It is granted with respect to his vacation plans. The request for termination of his supervised release is held in abeyance until his return from his trip.

IT IS FURTHER ORDERED that Defendant's probation officer is DIRECTED, within two weeks following Defendant's return, to submit a status report regarding Defendant's progress and any new information pertaining to his supervised release. A conference will be scheduled as needed.

s/Robert H. Cleland /
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: July 12, 2022

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, July 12, 2022, by electronic and/or ordinary mail.

s/Lisa Wagner /
Case Manager and Deputy Clerk
(810) 292-6522